1. INTRODUCTION AND BACKGROUND

The present document constitutes the Terms of Reference for the end of term review of the 'Supporting Citizens’ Access to Justice’ project which was jointly financed by the European Commission in Mozambique (hereafter referred to as 'the EC Delegation') and UNDP, and implemented by the Government of Mozambique (GoM). The implementation of the project began formally in 2005 and this will be the first independent external review conducted.

1.1 Background

Following the introduction of multiparty democracy and a free-market economy in the early 1990s, Mozambique has been faced with a number of major challenges related to the strengthening of its justice institutions. These include very limited financial and human resources, excessive bureaucracy, an outdated and complicated legal system inherited from the colonial period and the alleged vulnerability of the sector to corruption. Nevertheless, some significant progress has been made in the sector in recent years in terms of legislative reform, the professionalization of judicial services, and inter-institutional coordination within the sector. There remains however, a very long way to go before the ordinary Mozambican can claim to have a satisfactory level of access to justice.

As a result of the above weaknesses, justice sector institutions tend not to be trusted by the population. This has led to frequent cases of citizens taking the law into their own hands creating an environment of disorder and impunity. Other problems within the sector include a relatively low judicial case processing rate and long remand periods in conditions that do not conform to minimum acceptable levels. Public safety remains a major concern of the bulk of the population and levels of organized crime are reported to be increasing. Violent crime is also reportedly on the increase.

2001 data indicated that 80% of the population rely on the semi-formal and informal justice systems to solve their disputes. However, although the Constitution recognises legal pluralism, the legislation provides no clear guidance relating to how the formal and informal justice systems should relate to one another. Considering that human rights violations (e.g. of the rights of women and children) are known to occur within the semi-formal and informal justice systems, the lack of systematic monitoring in this area is of particular concern.

The root causes of some of the problems associated with the administration of justice in Mozambique are shared with other sectors. These include limited financial and human resources, excessive bureaucracy, an outdated and complicated legal system inherited from the colonial period and the alleged vulnerability of the sector to corruption.
resources, weak performance incentives, antiquated legislation, excessive bureaucracy and administrative procedures, weak monitoring, control and supervision mechanisms, and limited application of administrative and judicial sanctions against corruption. The government is attempting to address some of these problems through the implementation of a public administrative reform programme and a public financial management reform programme.

The Integrated Strategic Plan (PEI, 2008-2012) for the justice sector, which was approved by the Cabinet in October 2008, offers a specific framework for addressing the problems at the sector level, applying a holistic approach to improving the delivery of justice services.

1.2 Objectives of the project
The Financing Agreement for support to the Justice Sector was signed between the European Commission and the Government of Mozambique in May 2004, followed by the Contribution Agreement for the project “Supporting Citizens' Access to Justice”, signed in December 2004 between UNDP and the Government of Mozambique with the endorsement of the European Commission for a five year implementation period. The project document between UNDP and the Government of Mozambique was signed in April 2005. Formally the implementation of the project started in June 2005 but significant field work only began a year later. The project implementation unit was established in 2005 while the three regional implementation offices in Inhambane, Beira and Nampula were established in 2006.

The Project Implementation Unit and the justice institutions supported by this project (Procuradoria Geral da Republica, Tribunal Supremo, Interior Ministry, Justice Ministry) have developed a four year budget and activity plan which was approved by the Project Steering Committee on 14th of September 2006. The four year activity plan was revised through a contract rider in January 2008.

The project is aimed at achieving two main objectives: a) to maximise the effect of support action in relation to the poorest sections of the population and vulnerable groups, b) to avoid duplication with other donor’s activities. In turn, these two objectives have led to focus on two broad areas: 1) penal justice, 2) decentralisation. Both of these affect the poor and vulnerable and at the same time, provide space for action by donors who are ready to coordinate and cooperate.\(^2\)

1.3 Expected results of the project
The project is composed of six-sub projects which are expected to produce the following results:

1. Administration of Justice strengthened at local level
2. Correctional system unified and uniformed
3. Organisation against crime strengthened
4. Human rights protected by justice institutions
5. Mainstreaming gender in justice administration
6. Awareness raised in HIV/AIDS related legal issues

1.4 Implementation status
The global level of expenditure to this point is 73% and the implementation period of the project finishes by 30 June 2009. A proposal for a three month extension of implementation (30/09/09) is currently on the table.

2. DESCRIPTION OF THE ASSIGNMENT

2.1 Overall Objective
The overall objective of the review is to inform stakeholders of the extent to which the programme has produced or is on track to produce its intended development results, to understand the reasons for such performance, and to identify the key lessons which can inform the design and implementation of activities associated with the Integrated Strategic Plan (PEI) for the sector.

Specifically, the review will establish the relevance, efficiency, effectiveness and emerging impact of the programme, and will assess the likely level of sustainability of the outputs produced and development results or benefits achieved. As the programme was intended to develop innovative approaches for national replication the level of awareness throughout the sector of these approaches and the degree to which they have been replicated should also constitute a focus of the review.

The results of the evaluation will not be used to determine whether support to the sector by the funding agencies (EC and UNDP) should continue, as the decision has already been taken to continue supporting the sector. Rather they will be used to help design the nature of future support.

2.2 Key Evaluation Questions
Based on the original project logical framework the following list of key evaluation questions has been drawn up which is intended to focus the work of the reviewers. For the following questions the reviewers should not only seek to answer the question but assess the extent to which the project appears to have contributed to any improvement (or deterioration) identified. Where attribution of results to the project is considered very difficult the reviewers should identify any other significant factors which may have contributed to the identified results.

a) Decentralisation - Administration of Justice

1. To what extent has access to justice services in the project areas improved over the period covered by the project, in terms of availability, use and cost of the services?
2. To what extent has the average time taken to try cases within the project area been significantly reduced over the period of the project?
3. To what extent have court management systems in the project area become more efficient in processing court cases?
4. To what extent has respect for human rights improved in the informal justice system in the project areas?
5. To what extent does the level of corruption in the judiciary appear to have declined over the period under review?
6. To what extent has the level of local community involvement in justice service delivery improved in the areas covered by the project?
7. To what extent is the project-promoted concept of one-stop-shops for justice services delivery compatible with the architecture of the justice system and its legal provisions?
8. To what extent has legal aid become more accessible to the population in the project area?

b) Penal system and crime
1. To what extent has the investigative performance of the police service improved over the period covered by the project?
2. What has been the trend over the project period in the apparent level of effectiveness of the police service in dealing with violent crime (improving public safety) across the country?
3. To what extent has the effectiveness of the Attorney-General's Office in prosecuting organized crime cases improved over the project period?
4. To what extent have prison conditions and the level of respect of prisoners' human rights improved over the project period?

c) Overall
1. To what extent has the level of coordination between the various parts of the system for the administration of justice improved over the period of the project?
2. To what extent has a satisfactory level of integration of the different components of the project around the concept of a coherent and integrated justice-delivery service occurred?
3. To what extent did the redesign of the project in 2007 affect the effectiveness of the project?

2.3 Specific Tasks
In carrying out the review, the review team will ensure that the relevance, efficiency, effectiveness, sustainability and impact of the project are assessed. Specifically, the team will address the following aspects:

2.3.1. Relevance
1. Assess the extent to which the project's objectives were directly relevant to the Government of Mozambique's overall development and poverty-reduction strategy and to its strategy for the development of the justice sector.
2. Assess the degree to which the project's objectives were aligned with the EC's policies relating to the provision of support to improving the administration of justice and strengthening the rule of law as part of its development support programmes, as well as its degree of coherence with other EC policies relating to Mozambique.
3. Assess the extent to which the design and implementation of the project adequately took into account existing support to the justice sector provided by other donors (including individual EC member countries), and sought to achieve an appropriate level of alignment and coherence with these activities.

2.3.2. Efficiency
1. Assess the extent to which the project has delivered (or is likely to deliver) its programmed outputs at the scale and quality and in accordance with the timeliness originally planned.
2. Assess the level of cost-efficiency achieved by the project in the production of its principal outputs, with a particular focus on infrastructure construction (including by comparing this to regional averages).
3. Assess the quality and utility for management and other stakeholders of the project’s annual planning processes, monitoring, evaluation and reporting and communication systems.
4. Assess the extent to which the project pilot area selection criteria were explicit and in conformity with the original project document and the government's priorities for the sector.
5. Assess the quality of the project management in the context of the NEX modality of
UNDP, including that of the project implementation support and monitoring provided by UNDP.

6. Assess the overall level of project efficiency in terms of the minimization of the project's 'overhead' costs such as project personnel, infrastructure, equipment etc.

### 2.3.3. Effectiveness

1. Assess the level of achievement of planned outcomes and the extent to which the delivered outputs have contributed towards the achievement of these (including by assessing the level of utilization of the project's goods and services by the intended beneficiaries).
2. Identify the principal factors explaining the identified level of achievement of outcomes.
3. Using the above analysis review the overall apparent effectiveness of the strategy adopted by the project to achieve its principal objectives.
4. Identify the main lessons learned in relation to the strategy adopted and its implementation which will be of utility in the design and implementation of future programmes in the justice sector in the country.

### 2.3.4. Ownership and Sustainability

1. Assess the extent to which the outputs produced by the project are being used, maintained and built-upon by the intended beneficiaries. This applies to infrastructure, capacity-building outputs, systems and processes, studies etc.
2. Assess the extent to which the above outputs are likely to continue to be sustained when the project is concluded. This involves assessing the extent to which the project's approaches have been integrated into the routine functioning of the justice system institutions in the project areas and replicated elsewhere, as well as assessing the extent to which any additional operational expenditure introduced by the project will be covered under the annual state budget for the sector.
3. Assess the overall level of participation of key project stakeholders in the design and implementation of the project, and their level of sense of ownership over the project and its approaches.
4. Identify the principal factors which are likely to affect the sustainability of the project's outputs and benefits and indicate what measures need to be taken in the remaining period of the project to maximize the sustainability of these benefits.
5. Draw the main lessons to be learned from the above which will be of value in the design and implementation of future justice support programmes in Mozambique and elsewhere.

### 2.3.5. Impact

1. Identify the nature and approximate scale of the various types of impact which the project has had to date (whether direct or indirect, positive or negative, and intended or unintended) and the ways in which this varies by major socio-economic group.

2. Identify the principal factors which appear to explain the above levels of impact and draw lessons from this analysis relating to how overall net impact can be significantly increased in the delivery of justice support programmes in the future.

---

3 This includes the use of study findings in national policies and strategies, the use of capacity-building products etc.
4 Whilst the review is not a full project impact assessment the use and analysis of results data and consultations with main beneficiary groups and other types of stakeholder should enable an overall preliminary estimate of project impacts to be achieved.
2.4 Methodology
The review will be conducted through a combination of secondary data review (sector reviews, project documentation etc.), interviews with key informants from the public sector, civil society and thematic experts, and the conduct of rapid primary data collection activities such as focus group interviews with representatives of beneficiary institutions and final service beneficiaries. The evaluation team will design its approach to conducting the work (to be presented in its inception report) and will agree this with the review Reference Group shortly after the commencement of the assignment.

The review approach will be formative which implies that the review team is expected to facilitate a good deal of participatory project performance analysis by the primary stakeholders concerned, particularly key sectoral public sector institutions and relevant civil society groups, with a view to using the review to help build ownership of the review's findings.

2.5 Outputs
The review team will supply the following outputs during the course of the assignment.

a) Inception Report
This will summarize the teams’s proposed approach to conducting the review based on its initial discussions with the main institutions concerned. It will also highlight any perceived issues or constraints identified which may affect the team's ability to successfully implement the ToR, including its proposed solutions for overcoming these.
Some terms or concepts that are used in the project document (i.e. “access to justice”, “justice sector”, “informal justice”, “justice decentralisation”, etc) will need to be contextualised and briefly explained in a short definition-note to ensure the better understanding by all stakeholders of the key questions.
The inception report will be submitted one week following the start of the review team's work in the country.

b) Draft Report
A PowerPoint presentation containing a summary of the review's main findings will be submitted four weeks prior to the projected final report delivery date. Following initial feedback from the sector and the funding agencies (to be provided within one week) the evaluation mission will present the main findings of the review in a one-day workshop attended by a limited number of representatives of the project implementation institutions, civil society organizations active in the sector and the government, together with one or more representatives of international partners. The objective of the workshop will be both to enhance the level of understanding and ownership of the review's findings amongst the key stakeholders as well as to provide the opportunity to correct any perceived misunderstandings or erroneous conclusions of the review team.
Following the completion of the workshop the consultants will incorporate any additional material which they deem relevant into their findings and will present this as a draft report of not more than 40 pages (excluding annexes) to be submitted within one week.

c) Final report
The sector and the funding agencies will submit comments to the draft report within two weeks of receipt of this. The consultants will submit the final report within 10 days of receiving the comments on the draft report.
3. MANAGEMENT OF THE REVIEW
A review Reference Group (RG) will be established consisting of no more than eight people drawn partly from the Technical Committee of the project (COTEP), including at least two people (one from GoM and one from the international partners) who have not been directly responsible for the planning and management of the project implementation, and who are either highly experienced in the area of justice or in the evaluation of large and complex development projects.

The Reference Group will be responsible for liaising with the review team upon demand and ensuring that they are supported to the maximum degree possible to facilitate the success of their work and the full capture and assimilation of the review's results by its intended users. The RG will also act as a 'sounding board' to the review team as it develops and implements its approach to the review.

The programme manager at the EC Delegation together with the UNDP programme manager will ensure that the review team is provided with all the logistical support necessary to ensure the successful execution of the mission. The EC Delegation will chair the Reference Group.

4. EXPERTS PROFILES
The team will be composed by four members namely two qualified lawyers, a capacity building expert and a sociologist. The team is expected to apply a multidisciplinary approach to the analysis and evaluation of the project components.

**Governance expert (Category I)**
- Qualified lawyer (graduate in law, preferably from a civil law country) or equivalent.
- Minimum 15 years of overseas experience in a post-conflict/development context preferably in the areas of justice or governance policy development;
- Prior experience of conducting evaluations of justice support programmes;
- Experience in the design/implemention of institutional capacity-development projects;
- Knowledge about the application of the Paris Declaration;
- Excellence in both written and conversational English;
- Ability to communicate in Portuguese would be an asset;
- Initiative, ability to work independently, sound judgment and good interpersonal skills;
- Experience and knowledge of the socio-political context of Mozambique would be an asset, in particular in relation to the justice sector;

**Planning and Capacity building development expert (Category II)**
- Masters degree in a relevant field;
- At least 10 years experience in the design and execution of performance monitoring systems or in the design and implementation of evaluations of large and complex development programmes;
- At least 10 years experience of institutional capacity-development programmes, including experience in the area of civil society and community development;
- Excellence in both written and conversational English;
- Ability to communicate in Portuguese would be an asset;
- Initiative, ability to work independently, sound judgment and good interpersonal skills;
Experience with financial management and accountability issues;
Experience and knowledge of the socio-political context of Mozambique would be an asset, in particular in relation to the justice sector;

**Justice Sector Expert (Category III)**

- Qualified lawyer with professional experience as a lawyer in Mozambique;
- Minimum 5 years of working experience, preferably in Mozambique.
- Extensive knowledge and experience with regard to the institutions of the Mozambican Justice Sector, covering design and implementation of development projects/programmes related to the justice sector;
- Knowledge on the risks, problems and challenges facing the Sector;
- Understanding of the need for coordination between the various institutions involved in the process of justice administration.
- Experienced in project evaluation methodology.

**Social Sciences Expert (Category III)**

- Degree in social sciences, political sciences or related field with excellent analytical skills.
- Minimum 5 years of working experience, preferably in Mozambique.
- Competence in the field of governance, security analysis, media and communication strategies, public opinion studies.
- Academic background and publications will be an advantage.
- Fluent in English and Portuguese
- Experienced in project evaluation methodology.

The experts will have excellent writing, editing and communicational skills. If the team proves unable to meet the level of quality required for drafting the report, the consulting firm will provide, at no additional cost to the Commission, an immediate technical support to the team to meet the required standards.

**5. OTHER**

**5.1 Timing**
The mission will take place in August 2009, and will consist of a total of 112 working days **tentatively** distributed as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Governance expert</th>
<th>Planning and CB expert</th>
<th>Justice Sector Expert</th>
<th>Social Sciences Expert</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary work (home office)</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Field work</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Home office work and reporting</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Amendments &amp; corrections of draft</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Reserve *</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Man-days</td>
<td><strong>34</strong></td>
<td><strong>26</strong></td>
<td><strong>26</strong></td>
<td><strong>26</strong></td>
</tr>
</tbody>
</table>

* Subject to an ex-ante written approval by the Contracting authority.
**Timetable**

<table>
<thead>
<tr>
<th>Week 1:</th>
<th>Meeting with key stakeholders, Inception report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week 2:</td>
<td>Nampula</td>
</tr>
<tr>
<td>Week 3:</td>
<td>Sofala, Inhambane</td>
</tr>
<tr>
<td>Week 4:</td>
<td>Maputo, one-day workshop</td>
</tr>
</tbody>
</table>

5.2 Location(s) of assignment
The mission is expected to visit all the locations of the project namely Maputo city, the district capitals of Massinga, Morrumbene and the provincial capital Inhambane in Inhambane province, the district capital Inhambinga, the locality of Savane and the provincial capital Beira in Sofala province and the district capitals Moma and Ribaue and the provincial capital Nampula in the Nampula province.

5.3 Language
The review team will work in English and Portuguese. The Reference Group meetings will be held in Portuguese. The workshop for the presentation of the draft report will be held in Portuguese. Draft and final reports will be submitted in English and translated into Portuguese. The offer shall include in its budget the costs of an interpreter if the team members do not speak Portuguese, and translation fees for the translation of the final report into Portuguese.

5.4 Conflict of interest
Experts who have been involved in the design or the implementation of the project will be not considered for the call.

5.5 Cost
The budget of this consultancy (fees, international transport, per diems, organisation of workshop, operating costs, interpretation etc.) shall not exceed the € 100,000.00.

The briefing and debriefing sessions as well as the meetings with Government officials will be held in Portuguese. If need, the experts should budget for interpreter costs.

5.6 Reimbursable
The contractor will submit five (5) copies of the evaluation report in English and Portuguese. The cost of the translation of the final report into Portuguese shall be foreseen under “reimbursable”.

Important remark
During all contacts with the Mozambican authorities or any other institution, the consultants will clearly identify themselves as independent consultants and not as official representatives of the European Commission. All documents and papers produced by the consultants, will clearly mention on its first page a disclaimer stating that these are the views of the consultant and do not necessarily reflect those of the Commission.
Annex 1 - Evaluation Criteria

Relevance
- Extent to which the objectives of the development intervention are consistent with beneficiaries’ requirements, country needs, global priorities and partners’ and EC’s policies.

Effectiveness
- Extent to which the development intervention’s objectives were achieved, or are expected to be achieved, taking into account their relative importance.

Efficiency
- Extent to which the outputs and/or desired effects have been achieved with the lowest possible use of resources/inputs (funds, expertise, time, administrative costs, etc.).

Sustainability
- Extent to which the benefits from the development intervention continue after termination of the external intervention, or the probability that they continue in the long-term in a way that is resilient to risks.

Impact
- Positive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended.

Coherence
- Extent to which activities undertaken allow the European Commission to achieve its development policy objectives without internal contradiction or without contradiction with other Community policies. Extent to which they complement partner country’s policies and other donors’ interventions.

Community value added
- Extent to which the project/programme adds benefits to what would have resulted from Member States’ interventions in the same context.

---

5 EC - Guidelines for Project and Programme Evaluation - 2006